## UNITED STATES DISTRICT COURT DISTRICT OF DELAWARE

XPERTUNIVERSE, INC,

Plaintiff, : Civil Action No. 09-157 (JAP)

v. : ORDER

CISCO SYSTEMS, INC.,

Defendants.

Presently before the Court is a motion by Defendant to dismiss certain counts in the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) or, in the alternative, strike certain matter from the Complaint under Rule 12(f). For the reasons in the accompanying Opinion,

IT IS on this 28<sup>th</sup> day of March 2011

ORDERED that Defendant's motion to dismiss is granted in part and Plaintiff's common law misappropriation claim is dismissed; and it is further

ORDERED that Defendant's motion to dismiss is denied in all other respects; and it is further

ORDERED that Defendant's motion to strike is denied without prejudice.

/s/ JOEL A. PISANO United States District Judge